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24 **UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

25 REGENTS OF UNIVERSITY OF
26 CALIFORNIA and JANET NAPOLITANO, in
27 her official capacity as President of the
28 University of California,

Plaintiffs,

v.

25 UNITED STATES DEPARTMENT OF
26 HOMELAND SECURITY and ELAINE
27 DUKE, in her official capacity as Acting
28 Secretary of the Department of Homeland
Security,

Defendants.

No. 3:17-cv-05211-WHA
No. 3:17-cv-05235-WHA
No. 3:17-cv-05329-WHA
No. 3:17-cv-05380-WHA
No. 3:17-cv-05813-WHA

**STIPULATION RE: BRIEFING
SCHEDULE RE: DEFENDANTS'
MOTION TO STAY ALL PROCEEDINGS
PENDING RESOLUTION OF PETITION
FOR WRIT OF MANDAMUS**

STIPULATION REGARDING BRIEFING SCHEDULE

The parties agree, subject to the Court's approval, to modify the briefing schedule for Defendants' Motion to Stay All Proceedings Pending Resolution of Petition for Writ of Mandamus. In support thereof, the parties state as follows:

1. The United States intends to file a petition for a writ of mandamus in the United States Court of Appeals for the Ninth Circuit requesting that the Court of Appeals direct this Court to vacate its Order issued on October 17, 2017, ECF No. 79, and to stay discovery and further proceedings concerning the composition of the administrative record pending a ruling on Defendants' forthcoming motion to dismiss. Defendants will apply for a writ of mandamus no later than Friday, October 20, 2017.¹
2. On October 18, 2017, Defendants filed a motion to stay all proceedings in the related DACA cases pending resolution of their forthcoming petition for a writ of mandamus.
3. In order to expedite the briefing schedule on Defendants' motion to stay, the parties have agreed to the following schedule:
 - a. Defendants' motion and any supporting papers shall be filed by 9:00 p.m. on October 18, 2017;
 - b. Plaintiffs agree to file their opposition and any supporting papers by 5:00 p.m. on October 19, 2017; and
 - c. The parties have agreed to forego a hearing on Defendants' motion to stay. If, however, the Court wishes to hold a hearing, it will be noticed for Friday, October 20, at 2:00 p.m., or as soon thereafter as counsel may be heard.²

¹ All dates and times in this Stipulation refer to the local time for this Court (Pacific Daylight Time).

² If the Court schedules a hearing, undersigned counsel for the Defendants requests that it take place no sooner than 2:00 p.m. on Friday, October 20, in order to allow counsel, who is based in Washington, DC, to make appropriate travel arrangements. Alternatively, undersigned counsel for defendants requests the ability to appear telephonically.

4. Undersigned counsel for plaintiff State of California has conferred with other plaintiffs' counsel in the related DACA cases, who have authorized him to file this stipulation on behalf of all plaintiffs.

IT IS SO STIPULATED THIS 18TH DAY OF OCTOBER, 2017

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Attorney General of California

/s/ James F. Zahradka II
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Attorneys for Defendants

IT IS SO ORDERED THAT THE FOLLOWING BRIEFING SCHEDULE IS ADOPTED:

For Defendants' Motion to Stay All Proceedings Pending Resolution of Petition for Writ of Mandamus, the following briefing schedule is adopted:

- a. Defendants' motion and any supporting papers shall be filed by 9:00 p.m. on October 18, 2017; and
- b. Plaintiffs' opposition and any supporting papers shall be filed by 5:00 p.m. on October 19, 2017.

The Court will decide the motion on the parties' written submissions.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

DATE

1 **DECLARATION PURSUANT TO LOCAL RULE 5-1(i)(3)**

2 Pursuant to Local Rule 5-1(i)(3), the undersigned filer declares that concurrence in the
3 filing of this document has been obtained from the other signatories to this document.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed this
5 18th day of October, 2017.

6 /s/ Brad P. Rosenberg
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